

ATTORNEY DOCKET NO. 02-061 (ANSI01-00009)
U.S. SERIAL NO. 09/670,062
PATENT

REMARKS

Claims 1-17 are pending in the application.

Claims 18-29 were previously withdrawn from consideration, and are now canceled, without prejudice.

Claims 1-17 and 30-32 have been rejected.

Claims 4, 9, 13 and 32 have been amended, as set forth above.

Reconsideration of the Claims is respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 102

Claims 1-17 and 30-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Winkler (US 5,417,208). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

With respect to independent Claim 1 (and dependent Claims 2-8), Winkler fails to disclose Applicant's medical lead wherein the insulator includes at least one welding region formed by removal of at least a portion of the insulator, the welding region formed to expose at least a portion

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of the at least one conductor, with the band welded to the conductive pad at the welding region to electrically connect the band to the conductor. (emphasis added). Winkler does not disclose that the band is welded to the conductive pad at the welding region. In fact, Winkler's Figures 5 and 7 clearly illustrate that there exists a gap between the band (53) and the ribbon (51) at the welding region (as defined by Applicant's Claim 1), and thus is not capable of being welded together at the welding region (i.e., the region defined by the removal of the insulator to expose the conductor).

With respect to independent Claim 9 (and dependent Claims 10-17), Winkler fails to disclose Applicant's lead body wherein the elongated conductive element has a distal end and a proximal end, with the proximal end electrically connected to the conductor within the welding region (formed by removal of the insulator to expose the conductor) and the band welded to the distal end of the elongated conductive element outside of the welding region. (emphasis added). See, Claim 9, as amended. The Office Action argues that "The proximal end (51a - figure 7) is connected to the conductor (45 - figure 7) within the welding region (including window 47 - figure 4A) . . ." and that the "The distal end (51c - figure 7) is welded to the band (53 - figures 6 and 7)." See, Office Action, page 4. Based upon these statements, the Office Action clearly understands and interprets the "welding region". And therefore, if the distal end (51c) and not the shank (51b) is welded to the band (53), as argued and interpreted by the Office Action, then it appears that the band (53) must be welded

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to the ribbon (51) within the welding region -- not outside the welding region as claimed by Applicant in independent Claim 9 -- because the distal end (51c) of the ribbon (51) lies within the groove.¹

With respect to independent Claim 30 (and dependent Claims 31-32), Winkler fails to disclose Applicant's medical lead wherein the insulator includes at least one welding region defined by a groove formed in the insulator to expose at least a portion of the at least one conductor, with the band welded to the conductive pad at the welding region to electrically connect the band to the conductor. (emphasis added). Applicant's reasoning with respect to the rejection of independent Claim 1 applies equally to the rejection of Claim 30. As described above, Winkler does not disclose that the band is welded to the conductive pad at the welding region.

Dependent Claims 4, 13 and 32 have been amended to delete "welding". Therefore, Winkler fails to disclose a conductive pad electrically connected to the at least one conductor using a method selected from the group consisting of conductive adhesives and crimping. Winkler discloses the conductive pad is welded to the conductor.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(b) rejection of Claims 1-17 and 30-32.

¹ It appears that the more feasible interpretation of Winkler would likely conclude that the weld between the band (53) and conductive element (51) is not within the welding region, and therefore Applicant's independent Claims 1 and 30 are not anticipated by Winkler.

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II. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at rmccutcheon@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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Robert D. McCutcheon
Registration No. 38,717

P.O. Box 802432
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: rmccutcheon@davismunck.com